



# Planning Commission Regular Agenda

COUNCIL CHAMBERS  
JULY 7, 2011  
7:00 P.M.

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I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF MINUTES

IV. WITHDRAWALS AND CONTINUANCES

V. PUBLIC HEARING ITEMS

1. **CUP10-07:** A request by J & D Accounting and Tax Service, representing Village 67, to approve a Conditional Use Permit to allow live entertainment in the C-2 (General Commercial) zoning district. The site is located approximately 200 feet south of the southeast corner of 67<sup>th</sup> Avenue and Bethany Home Road (5821 North 67<sup>th</sup> Avenue). Staff Contact: Karen Stovall, Senior Planner (Yucca District).
2. **ZON11-01:** A Planning Commission initiated request to amend the existing PAD (Planned Area Development) ZON11-01, located at 9802 West Bethany Home Road adjacent to the Loop 101 freeway on the north side of Bethany Home Road. The amendment will incorporate additional land uses that create more flexibility in developing the property. These uses will include hotels, entertainment, professional offices and general retail. High density urban residences incorporated into mixed-use building forms are encouraged with the development of this site. Staff contact: Bill Luttrell, Senior Planner (Yucca District).

VI. OTHER BUSINESS

VII. OTHER BUSINESS FROM THE FLOOR

VIII. PLANNING STAFF REPORT

IX. COMMISSION COMMENTS AND SUGGESTIONS

X. NEXT MEETING: August 4, 2011

XI. ADJOURNMENT

### **FOR SPECIAL ACCOMMODATIONS**



Please contact Diana Figueroa at (623) 930-2808 or [dfigueroa@glendaleaz.com](mailto:dfigueroa@glendaleaz.com) at least three working days prior to the meeting if you require special accommodations due to a disability. Hearing impaired persons should call (623) 930-2197.

After 5:00 p.m. on Monday, prior to the meeting, staff reports for the above referenced cases will be available online at <http://www.glendaleaz.com/planning/boardsandcommissions.cfm>. If after reviewing the material you require further assistance, please call the staff contact listed for each application at (623) 930-2800.

In accordance with [Title 38](#) of the Arizona Revised Statute (A.R.S.), upon a public majority vote of a quorum of the Planning Commission, the Commission may hold an executive session, which will not be open to the public, regarding any item listed on the agenda but only for the following purpose:

- (i) discussion or consideration of records exempt by law from public inspection (A.R.S. § 38-431.03(A)(.2));
- (ii) discussion or consultation for legal advice with the city's attorneys (A.R.S. § 38-431.03(A)(3)); or
- (iii) discussion of consultation with the city's attorneys regarding the city's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation, or in settlement discussions conducted in order to avoid or resolve litigation (A.R.S. § 38-431.03(A)(4)).

Confidentiality Requirements Pursuant to A.R.S. § 38-431.03(C)(D): Any person receiving executive session information pursuant to A.R.S. § 38-431.02 shall not disclose that information except to the Attorney General or County Attorney by agreement of the Planning Commission, or as otherwise ordered by a court of competent jurisdiction.



# Planning Department Staff Report

**DATE:** July 7, 2011 **AGENDA ITEM:** /

**TO:** Planning Commission

**FROM:** Tabitha Perry, Principal Planner  
**PRESENTED BY:** Karen Stovall, Senior Planner

**SUBJECT:** **CONDITIONAL USE PERMIT APPLICATION CUP10-07:  
MARISCOS CULIACAN – 5821 NORTH 67<sup>th</sup> AVENUE**

**REQUEST:** Approval of a Conditional Use Permit to allow live entertainment in the C-2 (General Commercial) zoning district.

**APPLICANT/OWNER:** J & D Accounting and Tax Service / Village 67.

**REQUIRED ACTION:** The Planning Commission must conduct a public hearing and determine if this request is in the best long-term interest of this neighborhood and consistent with the General Plan.

**PREVIOUS ACTION:** On June 2, 2011, the Planning Commission voted to continue this item to July 7, 2011. The request to continue the item was made by the applicant due to a posting error.

**RECOMMENDATION:** The Planning Commission should approve CUP10-07 subject to the stipulations contained in the staff report.

**PROPOSED MOTION:** Move to approve CUP10-07 subject to the stipulations contained in the staff report.

**SUMMARY:** This is a request to allow live bands at the Mariscos Culiacan restaurant and bar. All live music will be performed inside the building.

**COMMISSION ACTION:** Motion made by \_\_\_\_\_ to approve CUP10-07 subject to the stipulations contained in the staff report. Motion seconded by \_\_\_\_\_. The motion was \_\_\_\_\_ to \_\_\_\_\_.

## **DETAILS OF REQUEST:**

### **General Plan Designation:**

The property is designated as General Commercial and High Density Residential, 12-20 dwelling units per acre.

### **Property Location and Size:**

The property is located approximately 200 feet south of the southeast corner of 67<sup>th</sup> Avenue and Bethany Home Road and is approximately 1.1 acres in size.

### **History:**

The existing shopping center was constructed in 1985.

### **Project Details:**

Mariscos Culiacan is a restaurant and bar that occupies three suites within an existing commercial center. Hours of operation are Monday through Thursday 8:30 am through 10:00 pm and Friday through Sunday 8:30 am through 2:00 am. The applicant is requesting to allow live band performances inside the building Friday through Sunday from 5:00 pm through 2:00 am. Bands could range in size from two to ten performers. The floor plan shows a 120 square foot stage for the performance area and does not designate a dance floor.

To mitigate possible noise issues, the applicant will upgrade all exterior doors to be self-closing and will install noise abatement measures to limit sound transmission to adjacent tenant suites and the residential use to the south. Security motion lights will be installed on the south and west sides of the building to illuminate the adjacent common areas.

## **CITIZEN PARTICIPATION TO DATE:**

### **Applicant's Citizen Participation Plan:**

On September 3, 2010, the applicant mailed 86 notification letters to adjacent property owners and interested parties. The applicant did not receive any response regarding the request. The Planning Department did not receive any response regarding the request either. The applicant's Citizen Participation Final Report is attached.

### **Planning Commission Public Hearing:**

A Notice of Public Hearing was published in *The Glendale Star* on May 12, 2011. Notification postcards of the public hearing were mailed to adjacent property owners and interested parties on May 13, 2011. The property was posted on June 17, 2011.

## **STAFF FINDINGS AND ANALYSIS:**

### **Findings:**

- The proposed use is consistent with the policies, objectives, and land use map of the Glendale General Plan and the purpose of the zoning district in which the site is located;



- The proposed use will not be materially detrimental to the health, safety or general welfare of persons residing or working within the neighborhood of the proposed use, or have an adverse effect on the property, adjacent properties, the surrounding neighborhood or the city when consideration is given to the character and size of the use and hours of operation;
- The proposed site is adequate in size and shape to accommodate the intended use and that all requirements for the zoning district, including but not limited to: setbacks, walls, landscaping and buffer yards are met;
- The proposed site has adequate access to public streets and highways to carry the type and quantity of traffic which may be generated by the subject use, and that on-site circulation is adequate to permit driveways, parking, and loading requirements in a manner which is safe and efficient; and
- Adequate conditions or stipulations have been incorporated into the approval of the conditional use permit to ensure that any anticipated detrimental effects can be mitigated.

**Analysis:**

- The proposed live entertainment is consistent with the policies of the General Plan and the purpose of the C-2 zoning district. Live entertainment facilities are permitted in this zoning district subject to CUP approval.
- The proposed use will not be materially detrimental to or have an adverse effect on the surrounding neighborhood or the city. The musical performances will take place inside the existing restaurant, and this accessory use should not be noticeable outside the building.
- The site is adequate in size and shape to accommodate the proposed live entertainment facility. All requirements for the zoning district will be met. The applicant will install landscape materials on the property to meet current ordinance requirements.
- The site has adequate access to public streets and on-site circulation to carry the type and quantity of traffic that may be generated by the proposed use. The adjacent arterial streets and existing parking lot are adequate to support any additional traffic that may be generated.
- The applicant will take measures to mitigate noise created by the requested use and to increase visibility outside the building to address possible security concerns.
- All applicable city departments have reviewed the application and recommend approval.

**RECOMMENDATION:**

This request appears to meet the required findings for Conditional Use Permit approval and should be approved, subject to the following stipulations:

1. Development shall be in substantial conformance with the project narrative, site plan, and landscape plan dated April 15, 2011.
2. The building occupancy load shall not be increased without formal application and approval through the Building Safety and Fire departments.

**ATTACHMENTS:**

1. Applicant's Narrative, dated April 15, 2011.
2. Site Plan, dated April 15, 2011.
3. Floor Plan, dated April 15, 2011.
4. Landscape plan, dated, April 15, 2011
5. Citizen Participation Final Report (without mailing labels), approved September 28, 2010.
6. Vicinity Zoning Map.
7. Aerial Photograph, dated November, 2008.

**PROJECT MANAGER:**

Karen Stovall, Senior Planner (623) 930-2553  
[kstovall@glendaleaz.com](mailto:kstovall@glendaleaz.com)

**REVIEWED BY:**

  
\_\_\_\_\_  
Planning Director

KS/df

  
\_\_\_\_\_  
Deputy City Manager

NARRATIVE

CUP10-07  
April 15, 2011

Conditional Use Permit  
(CUP10-07)  
For Live Music  
At the Mariscos Cuiliacan  
Restaurant & Bar

5821 N. 67<sup>th</sup> Avenue Ste #101-103,  
Glendale, AZ 85301

Submitted October 5, 2010  
Resubmitted on April 15, 2011



Delfina Amarillas, c/o Luis Guzman, is applying for a Conditional Use Permit. The purpose of this permit is to allow the Mariscos Culiacan, a Mexican Style Seafood Restaurant and Bar establishment, to have Live Musical Performers. Luis Guzman is the owner of the Mariscos Culiacan which is located at 67<sup>th</sup> Avenue just south of Bethany Home Rd at the shopping plaza on the eastside of the road addressed 5821 N. 67<sup>th</sup> Avenue Ste #101-103, Glendale, AZ 85301, in the C-2 zoning District. The Property owner of the plaza is Nader Rabban who currently resides in California. The restaurant/bar totals 2400sq ft and the hours of operations are Monday – Thursday 8:30 am – 10:00 pm and Friday – Sunday 8:30 am – 2:00 am. The maximum occupancy of the restaurant is 130.

Mr. Guzman wants to provide Live Music for his clientele on the weekends (Friday –Sunday) during the hours of 5:00 pm – 2:00 am. Mr. Guzman has provided a 20 x 6 ft Stage that is currently in the Northeast corner of the restaurant for bands of 2 – 10 musicians to utilize. When the CUP is approved Mr. Guzman will apply for the stage permit before the first band performs. The music is for the clientele to enjoy their meals with. Mr. Guzman will be the primary person to hire the musicians for the restaurant. There will not be a dance floor provided for any dancing. And the restaurant will not be rented out for private use. Through the process of our CPP various issues were brought to our attention by Councilmember Clark. She would like us to work on the following issues:

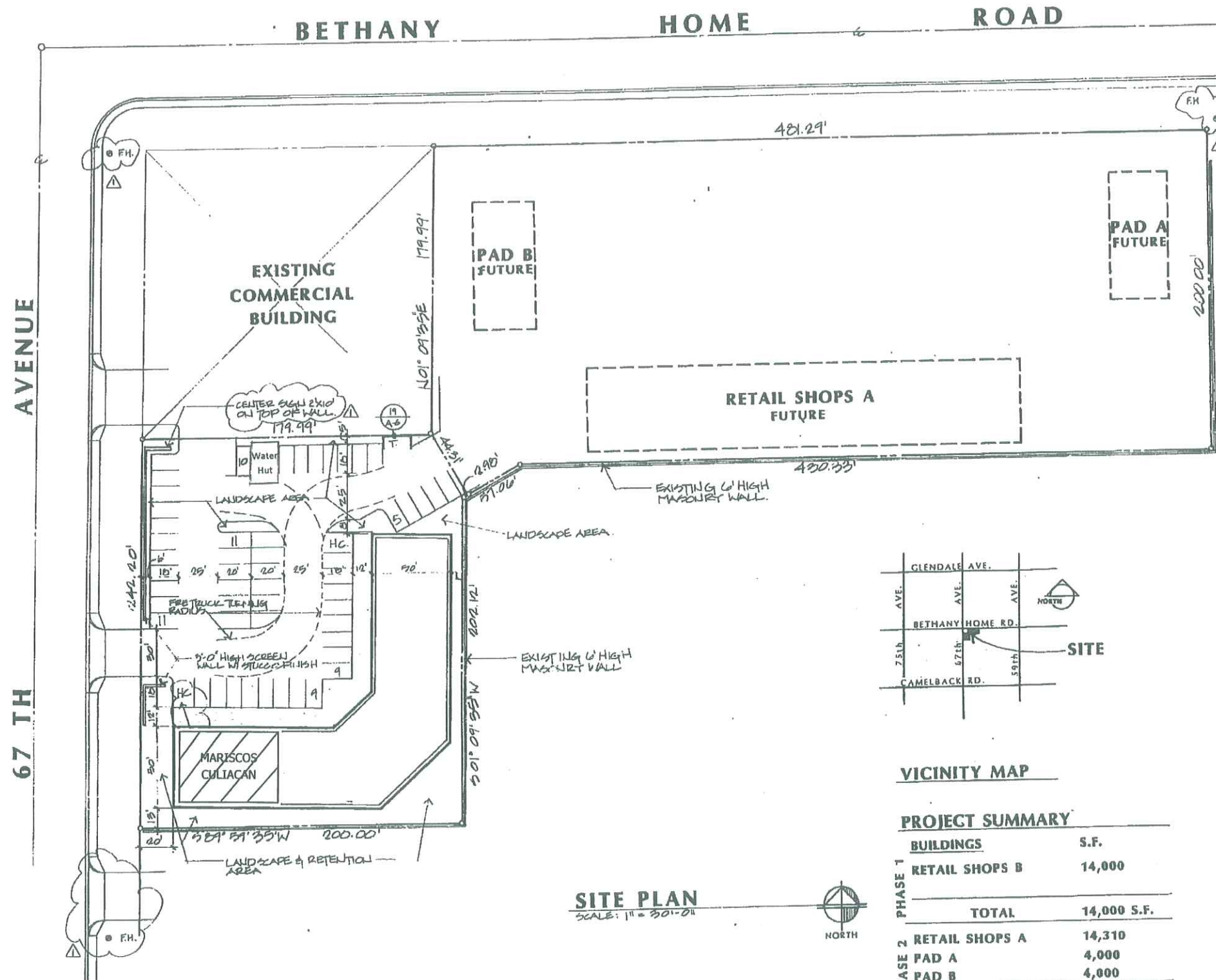
1. Banner advertising concerns
2. Permanent signage concerns
3. Condition of the building behind the establishment.
4. Noise abatement
5. Security

Mr. Guzman is taking the following steps to resolve the concerns;

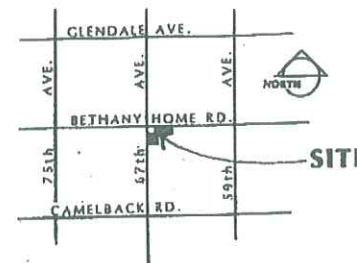
1. Removed the banners until he obtains the proper permits from City of Glendale's Building Safety Department.
2. Mr. Guzman is working with Mr. Raddan to discuss and resolve the concerns that are in regards to the building itself. (Exterior lighting, graffiti, and permanent signage) Excessive wall signage has been removed and Mr. Guzman has applied for the proper permits for all wall signs related to the business. Mr Guzman plans on installing 4 security motion lights to the facility 2 on the Southside of the building on each end of his business and 2 on the Westside of the building on each end of his business. Mr. Guzman will apply for all the necessary electrical permits with Building Safety and make sure everything is installed to code.
3. The graffiti behind the building has already been painted over and the area cleaned up.
4. Mr. Guzman is also looking into various products that he may utilize to reduce any projected noise that the Live Entertainers may present to the surrounding residents & tenants in adjacent suites. All exterior doors will have sound seals on them and be self closing. The noise abatement structures will provide a minimum sound transmission class (STC) of 50. Once the CUP is approved these Noise Abatement items will be installed before the first live band performance.



5. Mr. Guzman in the past and is continuing to use City of Glendale Police as security during the times of Friday – Sunday 5:00 pm – 2:00 am. For the safety of his customers and employees. If the CUP is approved he will continue to use City of Glendale Police as security during the hours of 5:00 pm – 2:00 am Friday – Sunday while the Bands Perform. This is to ensure the continued safety of his customers and employees.



**SITE PLAN**  
SCALE: 1" = 30'-0"



**VICINITY MAP**

**PROJECT SUMMARY**

BUILDINGS		S.F.
PHASE 1	RETAIL SHOPS B	14,000
	<b>TOTAL</b>	<b>14,000 S.F.</b>
PHASE 2	RETAIL SHOPS A	14,310
	PAD A	4,000
	PAD B	4,000
<b>GRAND TOTAL</b>		<b>36,310 S.F.</b>

PARKING	
PHASE 1	55 PROVIDED 47 REQUIRED

CUP10-07  
April 15, 2011

PLAZA 67  
67 TH AVE. & BETHANY HOME ROAD  
LEO EISENBERG & CO.

design: [signature]  
drawn: [signature]

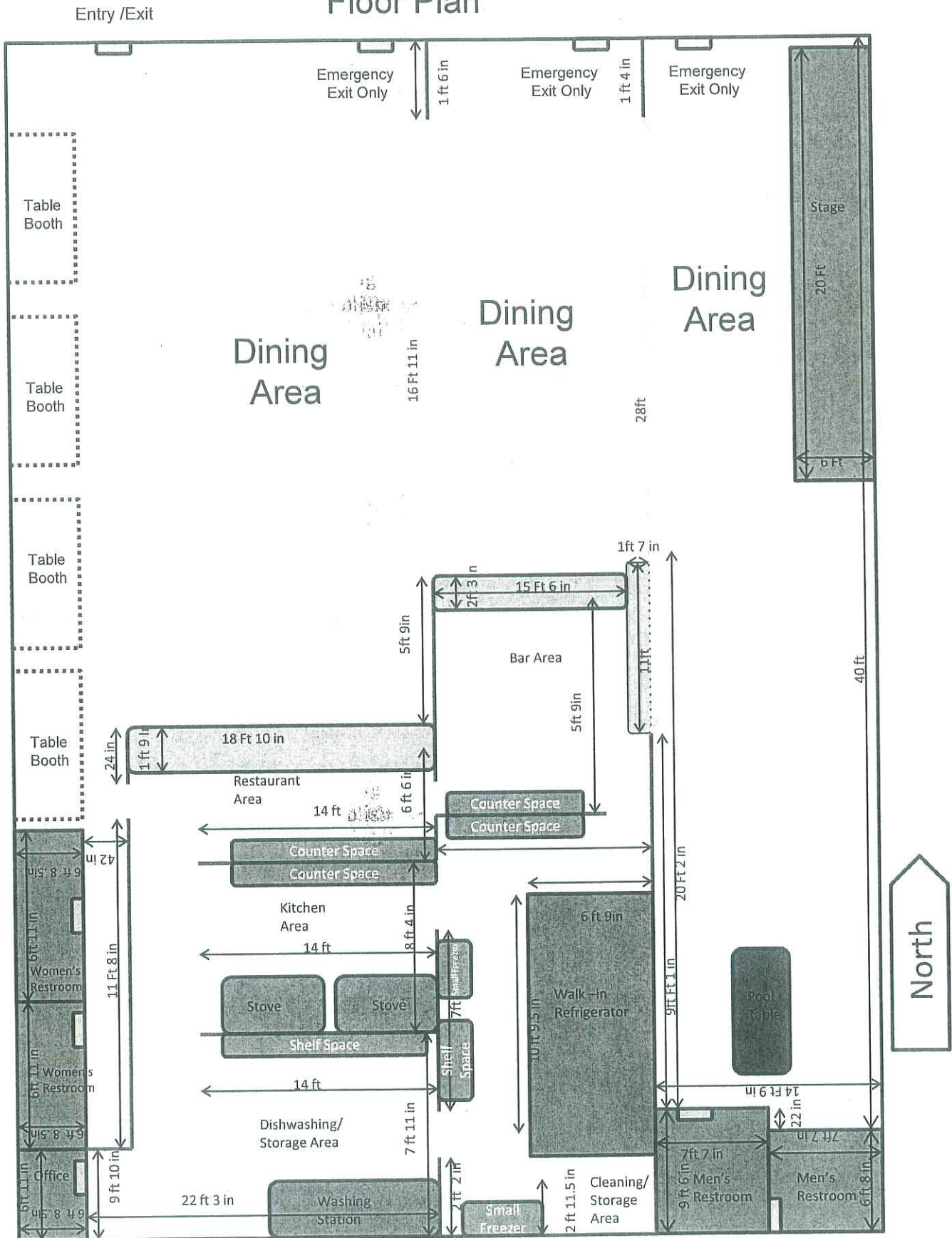
2-21-09

Walter M. Nelson  
DATE 1-14-05  
SITE PLAN

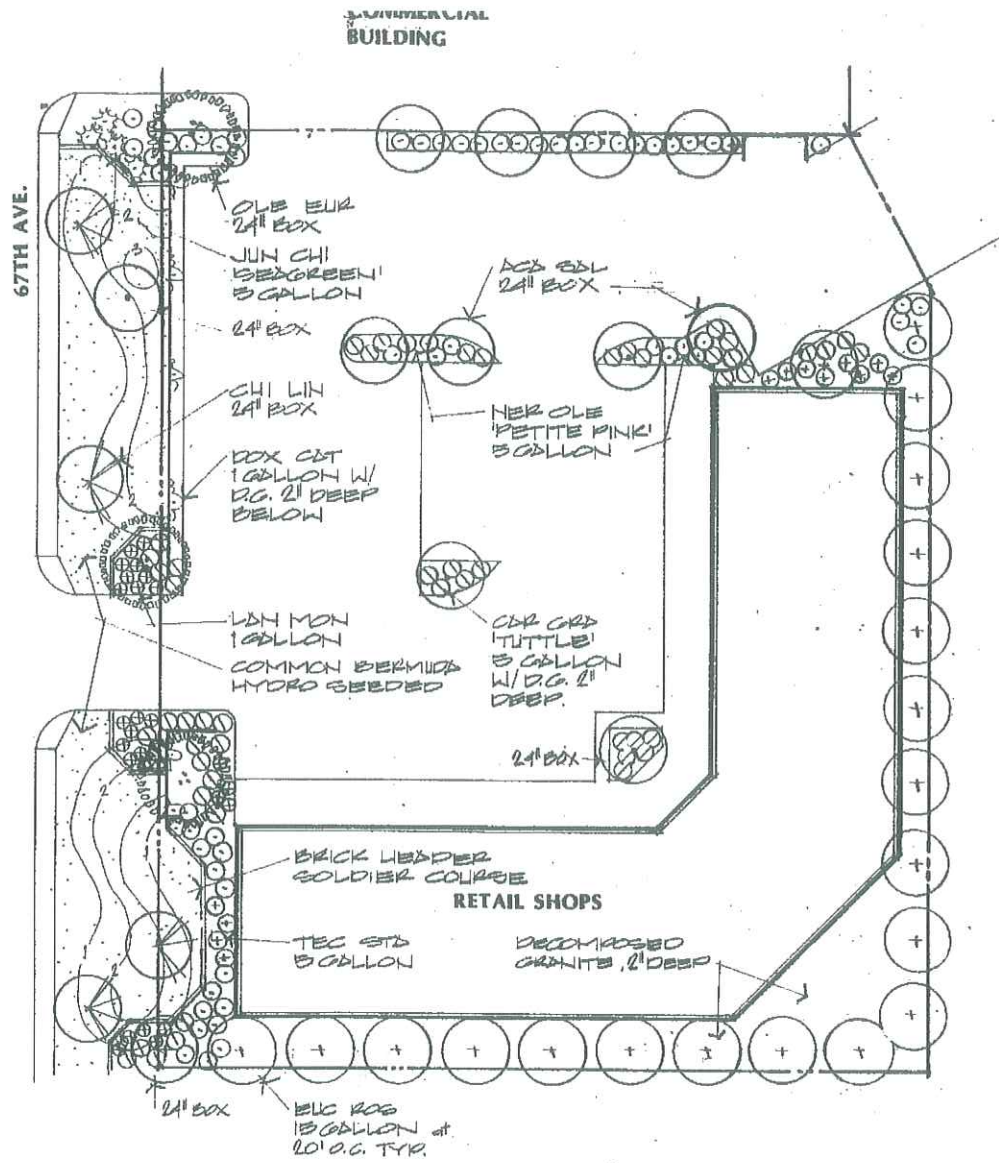
NELSON-KUBICEK ARCHITECTS, AIA.  
2950 NORTH 7th STREET, SUITE 301  
PHOENIX, ARIZONA 85014  
TEL (602) 956-0530



# Mariscos Culiacan Floor Plan







# LANDSCAPE PLAN

1"=20'

## PLANT MATERIALS LIST

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	QTY.	REMARKS
	ACACIA SALIGNA	ACACIA	24" BOX	12	
	EUCALYPTUS ROSTRATA	RED GUM	15 GALLON	20	
	OLEA EUROPAEA	OLIVE	24" BOX	3	
	CHILOPSIS LINEARIS	DESERT WILLOW	24" BOX	4	
	CARISSA GRANDIFLORA	NATAL PLUM	5 GALLON	50	
	DOXANTHA UNGUIS-CATI	CAT'S CLAW	1 GALLON	6	
	JUNIPERUS CHINENSIS	SEAGREEN JUNIPER	5 GALLON	4	
	LANTANA MONTEVIDENSIS	LANTANA	1 GALLON	21	
	NERIUM OLEANDER	DWARF OLEANDER	5 GALLON	54	
	TECOMA STANS	YELLOW BELLS	5 GALLON	12	
	COMMON BERMUDA	HYDRO SEED			
	DECOMPOSED GRANITE		3/4" MINUS		2" DEEP

## NOTES:

- Contractor to verify all site conditions prior to starting work.
- Landscape Architect or his representative reserves the right to refuse any plant material he deems unacceptable.
- Ground cover and/or decomposed granite shall extend under shrubs unless otherwise noted.
- Landscape Architect or his representative shall be given 48 hours notice prior to the following observations:
  - Upon completion of landscape, finish grading and soil preparation prior to planting and seeding and/or sodding.
  - After staking, but previous to planting of 15 gallon or larger trees.
  - Upon completion of all work specified in the drawings and specifications, prior to the start of the specified maintenance period.
  - Upon completion of the specified maintenance period.
  - Any additional observations as determined at the pre-construction conference.
- Soil Preparation
 

The following amendments are to be roto-tilled into the top 6" of soil in all all planting areas. Rates are per 1000 sq. ft.

6 Cu. Yds. Nitrolized fir or pine or shavings.

150 lbs. Agricultural Gypsum
- All grading to  $\pm 1/10$  of one foot by general contractor.
- The finish grading and fine raking by landscape contractor.

## LANDSCAPING REQUIREMENTS

1.12 NET ACRES	
AMOUNT of LANDSCAPING	
REQUIRED : .112 acres	
PROVIDED : .196 acres	
AMOUNT of TREES	24" BOX
REQUIRED : 38	19
PROVIDED : 39	19

CUP10-07  
April 15, 2011



CITIZEN PARTICIPATION PLAN  
FINAL REPORT

MARISCOS CULIACAN  
CONDITIONAL USE PERMIT  
5821 N. 67<sup>TH</sup> AVENUE #101-103  
GLENDALE, AZ 85301

PREPARED BY:  
LUIS GUZMAN

September 24, 2010

APPROVED  
9/28/10  
K. Stowell

2. I am going through the process of requesting approval for a Conditional Use Permit for Mariscos Culiacan (Alamos Mexican Grill LLC.), owner Nader Rabban, to allow live entertainment at the location of 5821 N. 67<sup>th</sup> Avenue, Glendale, AZ 85301 in the C-2 zoning district.
3. Through the CPP process we met with our Planner Karen Stovall to help explain how to go about everything. We submitted our plan on September 1, 2010 and we mailed out letters to all Property Owners within 300', Property Owners within an expanded notification area, Council District interested parties, homeowner associations, and individuals on the additional notification list. There were only 2 letters that were returned to us in the mail with no forwarding address.
4. Notification letters were mailed out on September 3, 2010 via USPS
5. See attached
6. See Attached mailing list
7. Not Applicable
8. There were 86 Individuals noticed by this process. Only one person replied back from the notification and that was Council Woman Clark.
9. Councilwoman Clark had some concerns regarding some banner advertising, signage concerns, and the condition of the building behind the establishment. The building has graffiti on the back of building and wall as well as some trash behind the building. She would like to see motion lights installed on the back of the building. Also the window tinting was brought up as a safety concern as being too dark. Her other concerns were regarding noise abatement that she is concerned will inconvenience the residents surrounding the plaza.
10. Resolutions:
  - a. The banner advertisings have been removed from the building, Restaurant Owner is looking into getting the permits necessary to have them up. With correct information on them.
  - b. Planning Department did find out that the Permanent Signage is in code violation. The owner has contacted the shopping center's Property Owner on how he would like 2 of the permanent signs removed so they can be brought up to code. And will obtain permits for the 2 wall signs that are permitted.
  - c. Restaurant Owner has also spoken to the Property Owner to have his Property Management company paint over the graffiti and clean the litter behind the building.

Restaurant Owner is also going to have paint on hand at restaurant to cover any graffiti that may be put up after the Property Owner cleans it off.

- d. Restaurant Owner is discussing with the Property Owner on having the Motion Lights installed per the Council Woman's request to help evade the people tagging and littering behind the building.
  - e. Restaurant Owner is looking into various products that he may utilize to reduce any noise that the Live Entertainers may present for the Noise Abatement concern. So he is evaluating the differences, quality, cost, and benefits for products like baffles, banners, acoustical foam, or acoustical panels. Once the permit is approved he will install what will best meet the Council Woman's concern for Noise Abatement.
11. The Restaurant Owner wants to comply with all the concerns that were brought to his attention. He is concerned though that some things are out of his control since the building is not his. So as long as the Property Owner is willing to comply with the concerns that are his regarding the building then there will be no problem. If he is not then we will try to figure out a new course of action.
12. So we are taking the necessary actions to necessary prior to submitting permit.
13. See Attached
14. See Attached Lists



## RECOMMENDED NEIGHBORHOOD NOTIFICATION AREA

NAME OF REQUEST:

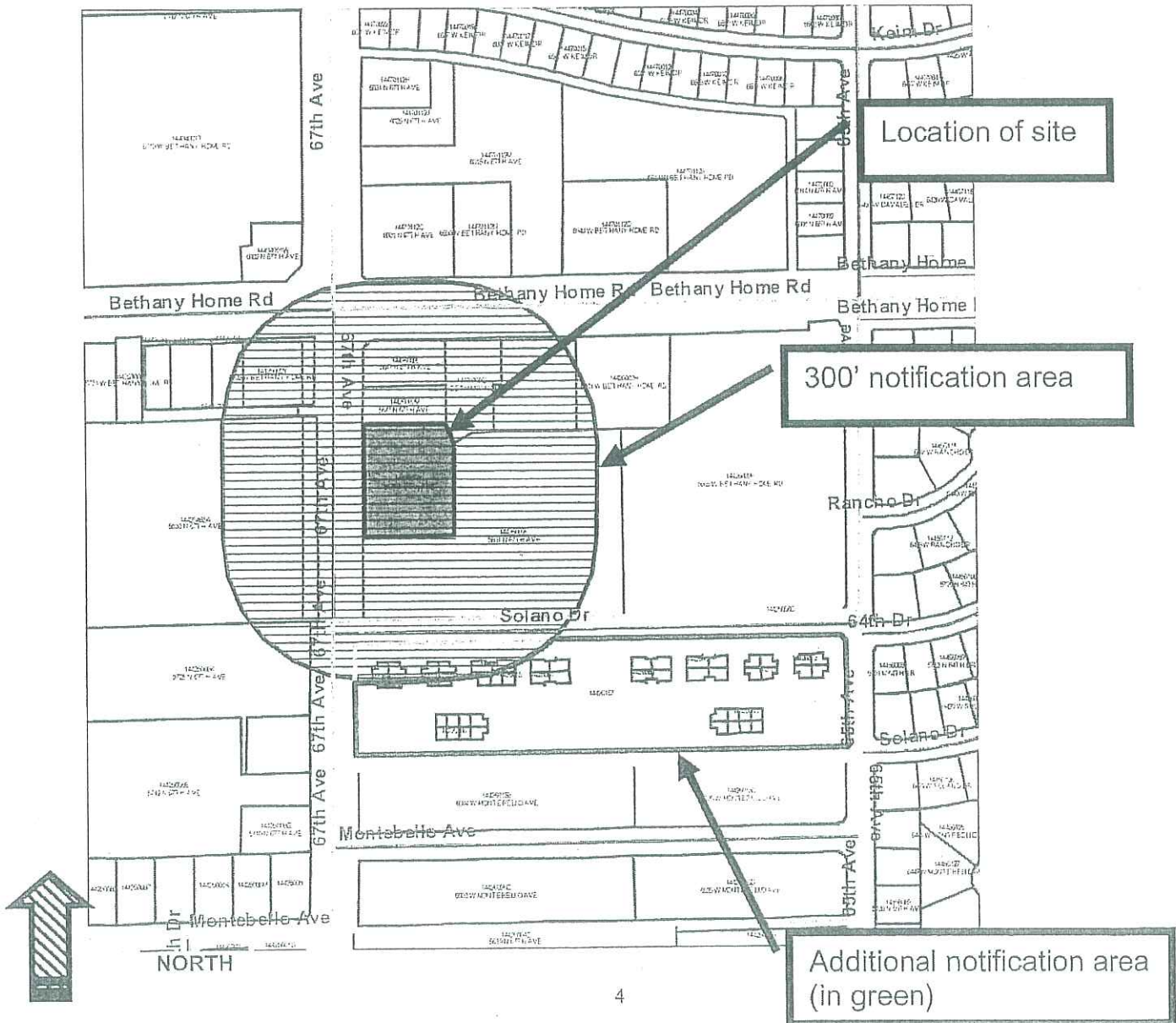
MARISCOS CULIACAN CUP

LOCATION: 5821 N. 67<sup>th</sup> Ave.

The applicant is requesting the approval of a conditional use permit to allow live entertainment (music performed by more than one musician) in the C-2 (General Commercial) zoning district.

ZONING DISTRICT: C-2

COUNCIL DISTRICT: Yucca





*J & D*  
*Accounting and Tax Service*

RECEIVED

SEP 07 2010

Glendale Planning Dept.

3802 N. 19<sup>th</sup> Avenue  
Phoenix, Arizona 85015  
Off: (602) 265-2248  
Fax: (602) 265-2268

Karen Stovall, Senior Planner  
Planning Department  
5850 W. Glendale Avenue  
Glendale, AZ 85301

September 03, 2010

Dear Ms. Stovall;

This letter is to inform you that I am applying for a Conditional Use Permit application with the City of Glendale. The property is located at 5821 N. 67<sup>th</sup> Avenue, Glendale, AZ 85301 in the Yucca District.

I am requesting a Conditional Use Permit to allow live entertainment (music performed by one or more than one musician) in the C-2 zoning District. This is necessary for our business so we may provide Live Entertainment to our consumers. The Mariscos Culiacan restaurant is a Mexican style seafood restaurant where customers can dine in and enjoy their meal while listening to live entertainment.

I have included a site plan with this letter for your review. Please provide me with any comments that you have regarding this Conditional use Permit request by 09-23-2010. Please write, email, or call me at the above addresses or phone number. You may also contact Karen Stovall with the City of Glendale Planning Department at 623-930-2553.

Sincerely,

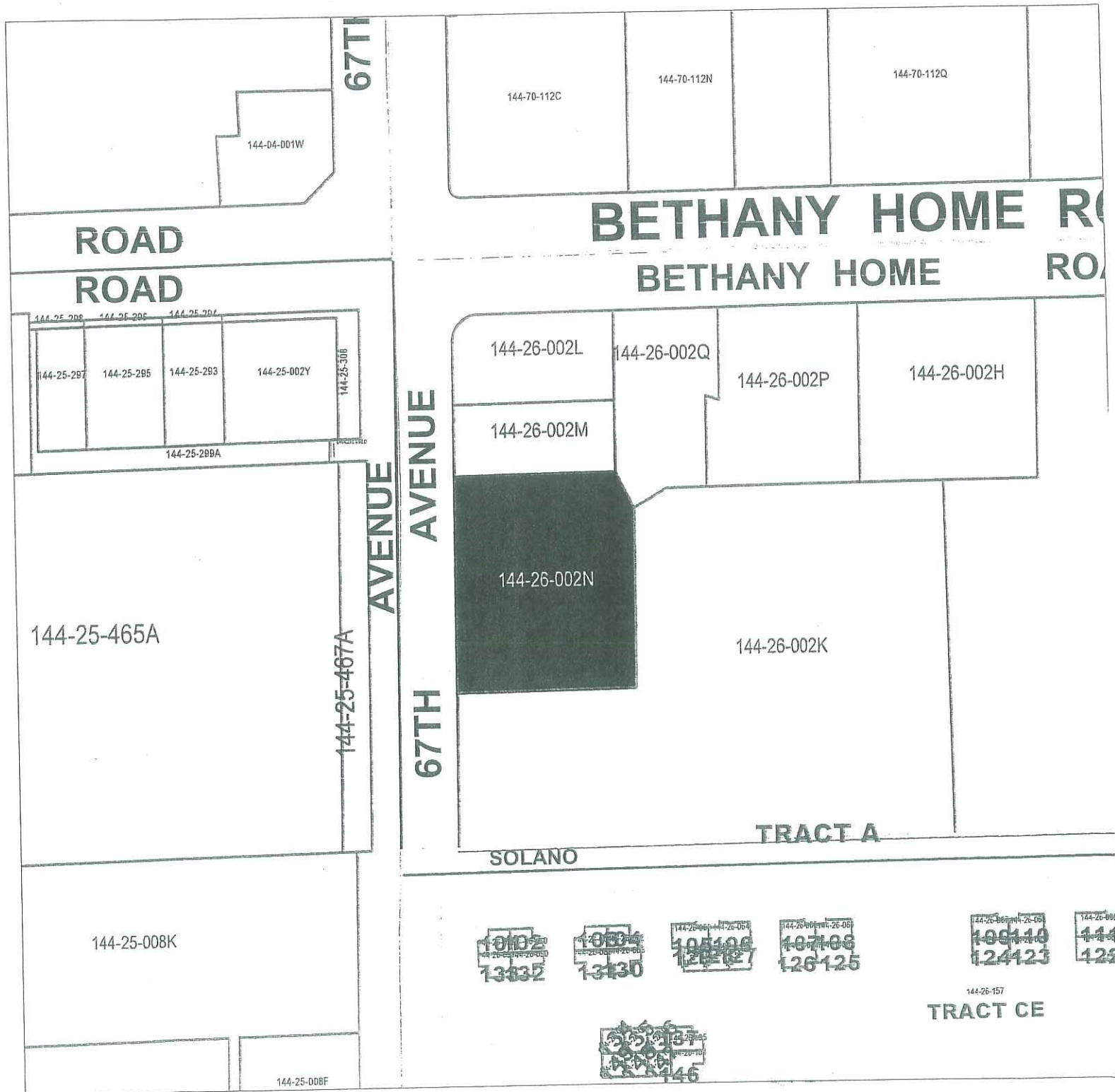
*Delfina Amarillas*

Delfina Amarillas  
[delfinaam@aol.com](mailto:delfinaam@aol.com)

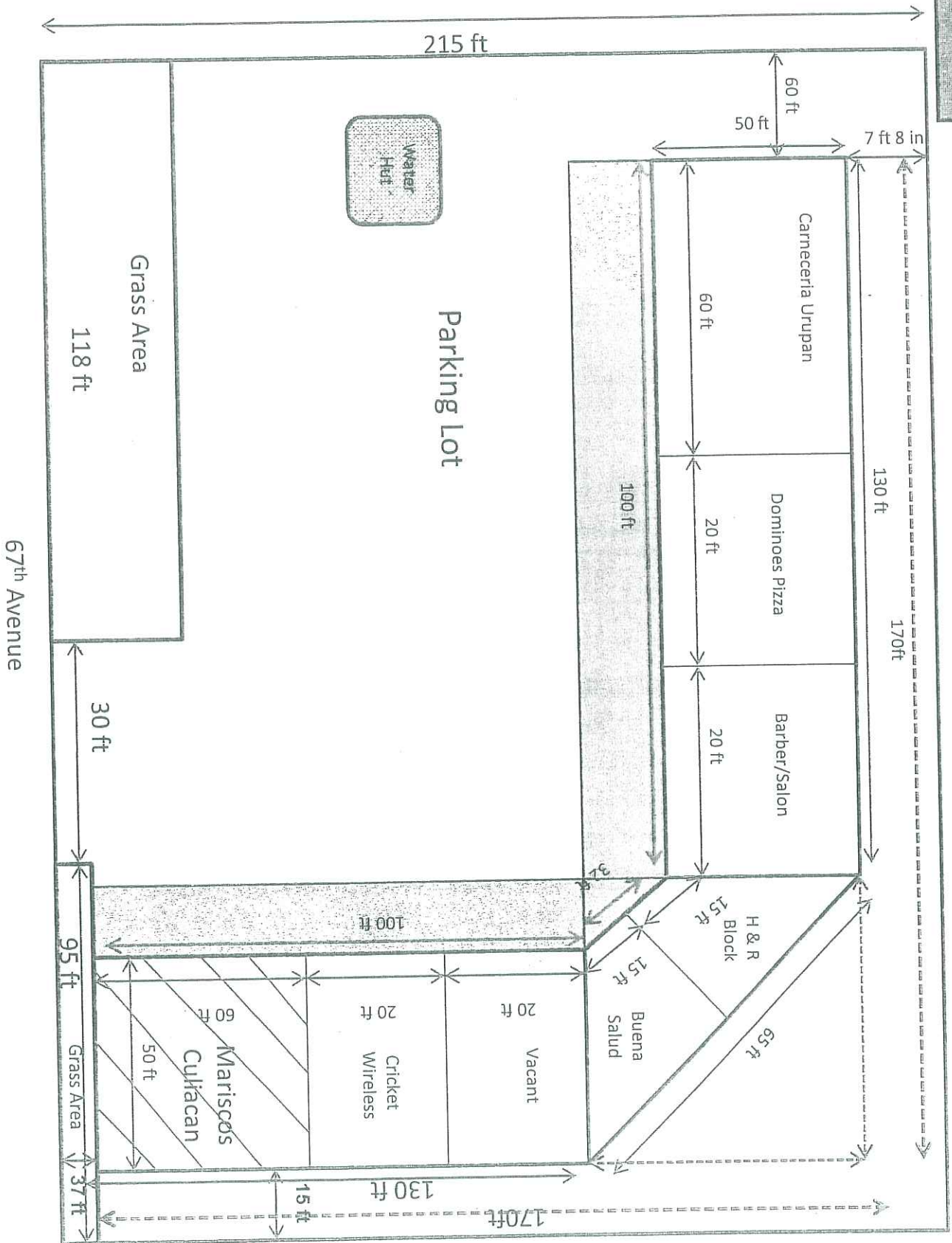
# Vicinity Map



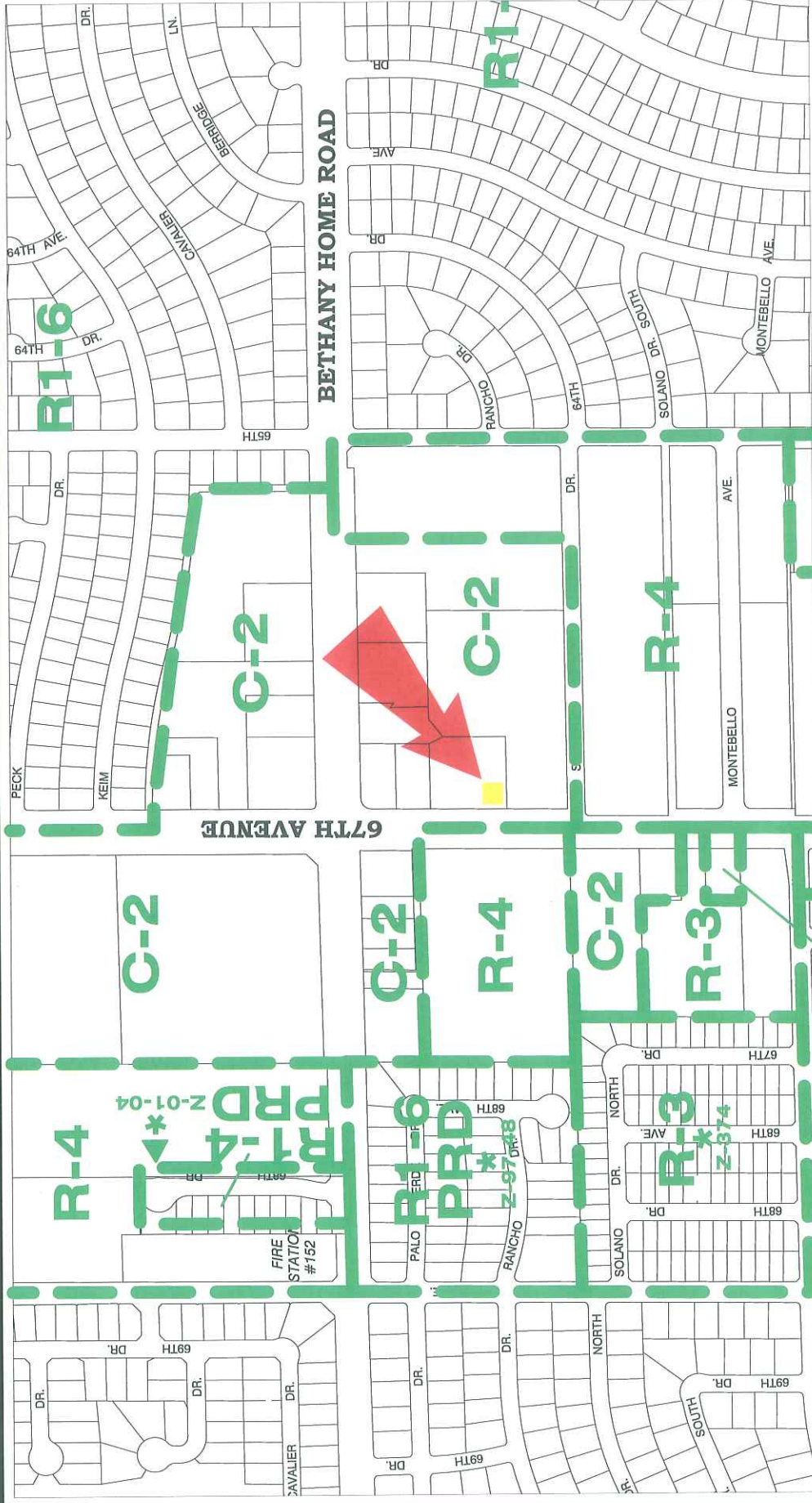
# County Parcels



# Site Plan for Mariscos Culiacan







**REQUEST**

**CONDITIONAL USE PERMIT FOR  
LIVE ENTERTAINMENT IN THE  
C-2 (GENERAL COMMERCIAL)  
ZONING DISTRICT.**

**CASE NUMBER**

**CUP10-07**



**LOCATION**

**5821 N. 67TH AVENUE**





Case Number  
**CUP10-07**



Aerial Date: November, 2008





# Planning Department Staff Report

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**DATE:** July 7, 2011 **AGENDA ITEM:** 2

**TO:** Planning Commission

**FROM:** Tabitha Perry, Principal Planner  
**PRESENTED BY:** Bill Luttrell, Senior Planner

**SUBJECT:** **REZONING APPLICATION ZON11-01: BETHANY HOME ROAD - LOOP 101 – 9802 WEST BETHANY HOME ROAD**

**REQUEST:** A Planning Commission initiated request to amend the existing PAD (Planned Area Development).

**APPLICANT/OWNER:** Planning Commission / City of Glendale.

**REQUIRED ACTION:** The Planning Commission must conduct a public hearing and determine if this request is in the best long-term interest of this neighborhood and consistent with the General Plan.

**RECOMMENDATION:** The Planning Commission should recommend approval subject to stipulations.

**PROPOSED MOTION:** Move to recommend approval of ZON11-01 subject to the stipulations contained in the staff report.

**SUMMARY:** The amendment to the PAD will incorporate additional land uses that create more flexibility in developing the property. These uses will include an emphasis on commercial retail, hotels, entertainment, and professional offices. High density urban residences incorporated into mixed-use building forms are also encouraged with the development of this site.

**COMMISSION ACTION:** Motion made by Commissioner \_\_\_\_\_ to recommend approval subject to staff report stipulations. Motion seconded by Commissioner \_\_\_\_\_. The motion was approved \_\_\_ to \_\_\_.

## **DETAILS OF REQUEST:**

### **General Plan Designation:**

The property is designated as BP (Business Park).

The property is also located within the boundaries of the Western Area Plan (WAP). This plan was adopted in June of 2002 and is also known as the Western Area General Plan Update. The approval of ZON11-01 will implement the WAP.

### **Property Location and Size:**

The property is located at the northwest corner of Bethany Home Road and the Loop 101 freeway and is 17.97 acres in size.

### **History:**

This property was rezoned from A-1 (Agricultural) to PAD (Planned Area Development) in 2009.

### **Design Review:**

A design review application has not been submitted concurrently with this application.

### **Project Details:**

The site is currently vacant. North of the site is vacant land zoned PAD (Planned Area Development). East of the Loop 101 freeway adjacent to Bethany Home Road is the University of Phoenix Stadium and related parking areas. Immediately south of the site is the Grand Canal. To the west of the site, across 99<sup>th</sup> Avenue, is vacant land zoned A-1 (Agricultural).

### **Operational Issues:**

There are no operational issues.

## **CITIZEN PARTICIPATION TO DATE:**

### **Applicant's Citizen Participation Plan:**

On May 31, 2011, the applicant mailed notification letters to adjacent property owners and interested parties. The Planning Department did not receive any responses regarding the request. The Citizen Participation Final Report is attached.

### **Planning Commission Public Hearing:**

A Notice of Public Hearing was published in *The Glendale Star* on June 16, 2011. Notification postcards of the public hearing were mailed to adjacent property owners and interested parties on June 17, 2011. The property was posted on June 17, 2011.

## **STAFF FINDINGS AND ANALYSIS:**

### **Findings:**

- The proposed amendment is consistent in substance and location with the development objectives of the General Plan and any adopted specific area plans.



The existing PAD is located in the Parkside Character Area of the Western Area Plan. It is intended that this character area be developed with a mix of corporate office, high-end business park, community level commercial, neighborhood commercial, and high quality residential land uses. The objective is to create a balanced mix of commercial uses that will enhance this area and compliment the rest of the community.

- The proposed amendment will be compatible with other existing and planned developments in the area.

The land along the Loop 101 freeway provides opportunities for additional retail and employment. The objective is to attract additional retail, professional offices, major corporate campuses, high-end business parks, hotels and other related support services. The PADs that have been approved in this area provide opportunities through their land use mix that meets the objective of the Western Area Plan, as well as the goals and objectives of the City's General Plan. The proposed amendment is also compatible with the other developments in the Loop 101 Corridor.

**Analysis:**

- All applicable city departments have reviewed the application and recommend approval of the application.
- The existing PAD development plan has incorporated a list of permitted uses that include variable message signs, commercial parking lots, and incidental commercial sales. The proposed amendment expands the land use mix to include hotels, entertainment, professional offices and general retail. High density urban residences incorporated into mixed-use building forms are also encouraged with the development of this site.
- Adding more land use types to the permitted uses increases the opportunities and flexibility to develop the site and be compatible with the surrounding developments.

**RECOMMENDATION:**

The Planning Commission should recommend approval of this request, subject to the following stipulation:


1. Incorporate the proposed land uses into the PAD that are proposed in the applicant's narrative dated May 27, 2011.

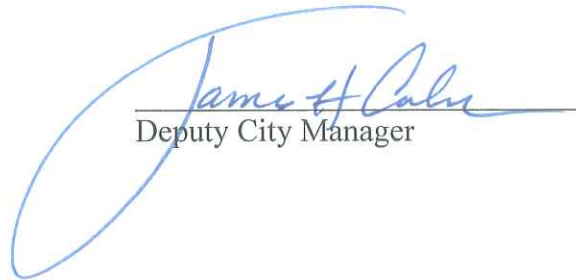
**ATTACHMENTS:**

1. Applicant's Narrative, dated May 27, 2011.
2. Planned Area Development Amendment, amended May 27, 2011.
3. Citizen Participation Final Report (without mailing labels), approved June 10, 2011.
4. Vicinity Zoning Map.
5. Aerial Photograph, dated November, 2008.

**PROJECT MANAGER:** Bill Luttrell, Senior Planner (623) 930-2138  
[bluttrell@glendaleaz.com](mailto:bluttrell@glendaleaz.com)

**REVIEWED BY:**

  
\_\_\_\_\_  
Planning Director  
BL/df

  
\_\_\_\_\_  
Deputy City Manager

## **Bethany Home Road-Loop 101 Narrative (ZON11-01)**

**May 27, 2011**

The original Planned Area Development (PAD) was approved in 2009 with the intent to allow commercial land uses and development standards that would be complementary with the surrounding area. Being located adjacent to the Loop 101 freeway off-ramp for Bethany Home Road provides an excellent location for future commercial uses that would be compatible with other developments in the area such as Westgate, Zanjero, Main Street, CBD 101, Organic 101 and Desert River.

The proposed request to amend the existing PAD is intended to provide additional flexibility in land uses and further the ability to be compatible with the surrounding developments. The proposed additional land uses are:

- Hotels
- Entertainment
- Professional Offices
- General Retail
- High Density Urban Residences Incorporated into Mixed-Use Building Forms

A master development plan shall be required when the first commercial building is proposed.

# **Bethany Home Road - Loop 101 Planned Area Development Amendment**

Located at:

9802 West Bethany Home Road (NWC of Bethany Home Road and Loop  
101 Freeway)  
Glendale, Arizona

Zoning Application: ZON11-01



## **Applicant:**

City of Glendale Planning Commission  
Bill Luttrell, Senior Planner

## **Dated:**

August 3, 2009

## **Amended:**

May 27, 2011



## **Introduction**

The subject site is located east of the northeast corner of 99<sup>th</sup> Avenue and Bethany Home Road adjacent to the Loop 101 Freeway. The property is a slightly irregular shaped 17.97 acre site zoned PAD (Planned Area Development) that has frontage on Bethany Home Road.

The intent of amending the PAD is to include land uses that provide additional opportunities for development of this property. The amendment to the PAD is consistent with the city's Sports & Entertainment District. (See Exhibit A – Vicinity Map/Aerial Photo).

## **Surrounding Land Uses and Conditions**

North: Vacant land, zoned A-1 (Agricultural).

East: Loop 101 freeway, located within unincorporated Maricopa County.

South: Vacant lot, zoned A-1 (Agricultural).

West: Across 99<sup>th</sup> Avenue, vacant land zoned A-1 (Agricultural).

## **General Plan Compliance**

The City of Glendale General Plan designates this site as BP (Business Park). This proposal is consistent with the City's General Plan designation. The General Plan sets policies to target businesses and uses as primary contributors to future stability (see Exhibit C – General Plan Map).

On June 4, 2002, the City Council adopted the Western Area General Plan Update or Western Area Update. This document also designates this property as BP (Business Park).

The amendment to the PAD provides a mixture of commercial uses that is compatible with the General Plan designation.

## **PAD Development Plan**

The mixed use PAD intends to allow commercial land uses and development standards to be complementary with the surrounding area. Being located adjacent to the Loop 101 freeway off-ramp for Bethany Home Road provides an excellent location for future

entertainment, retail and office uses, as well as hotels and high density residences incorporated into mixed use building forms. All uses on the site will have a common architectural theme that will set the tone for development and shall be designed to complement other developments in the area such as Westgate, Zanjero, Main Street, CBD 101, Organic 101 and Desert River. A master development plan shall be required when the first commercial building is proposed.

## **Permitted Uses**

The intent of this PAD zoning district is to accommodate the development of a mixed use commercial property with common design elements.

Permitted uses within the PAD are listed below.

1. Commercial or public parking lots.
2. Public and semi-public facilities including utility service facilities.
3. Electronic message display signs (EMD) defined as the following:
  - a. Electronic message signs display words, symbols, figures and images. They may be light emitting diode (LED) displays digitally controlled by electronic communications, or electronically changed by remote or automatic means.
  - b. Signs can include any of the following features: static or non-changing messages, fading or dissolving messages, traveling or scrolling transitions or full animation, televised or video displays.

## **Proposed Land Uses:**

4. **Entertainment**
5. **Hotel/motel**
6. **Professional Office**
7. **General Retail Sales**
8. **High Density Urban Residential**
9. **Incidental Commercial Retail Activities**

## Development Standards

The following are the development standard permitted within this PAD.

	BP DISTRICT STANDARDS	PROPOSED STANDARDS
Minimum Net Lot Area	n/a	n/a
Maximum Lot Area	n/a	n/a
Minimum Front Setback	25 – 50 feet <sup>1</sup>	25 feet
Minimum Rear Setback	60 feet <sup>2</sup>	15 feet
Minimum Side Setback	60 feet <sup>2</sup>	15 feet
Minimum Street Side Setback	25 - 50 feet <sup>3</sup>	25 feet
Maximum Structure Height	56 feet	85 feet
Maximum Electronic Message Display Structure Height	n/a	85 feet
Maximum F.A.R.	.3	.3

<sup>1</sup> 50 feet for major streets, 40 feet collector streets, 25 feet local streets.

<sup>2</sup> 60 feet to residentially zoned properties, 15 feet to non-residentially zoned properties.

<sup>3</sup> Building setback for arterial streets shall be a minimum of one foot for each foot of building height.

## Development Design Guidelines

Any development within the PAD shall comply with the City of Glendale Design Review process in terms of Architectural Design, Lighting, Site Design, Signage, and Landscape Design. All structures will be constructed of concrete, brick, block, glass, frame, stone, stucco and/or other similar material. While all buildings on the site do not necessarily have to be the same architectural style they should be architecturally compatible with one another. The project shall provide three foot decorative walls behind landscaping along streets to screen vehicle parking. Taller decorative screen walls may be constructed in strategic locations to provide additional screening. Parking shall comply with the City of Glendale Zoning Ordinance.



## Phasing

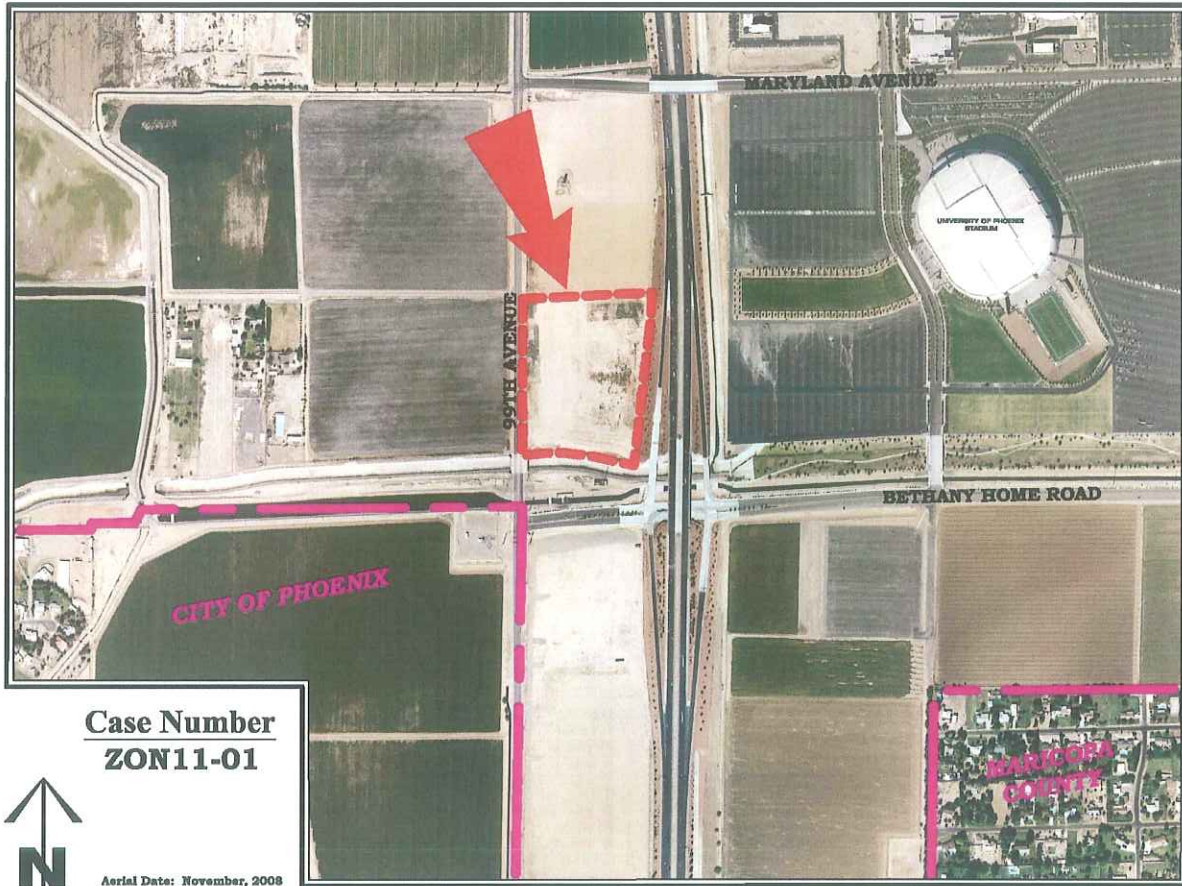
There are no plans for expansion at this time. However, other commercial uses may be added at any time subject to the approval of the Planning Director.

## Public Utilities and Services

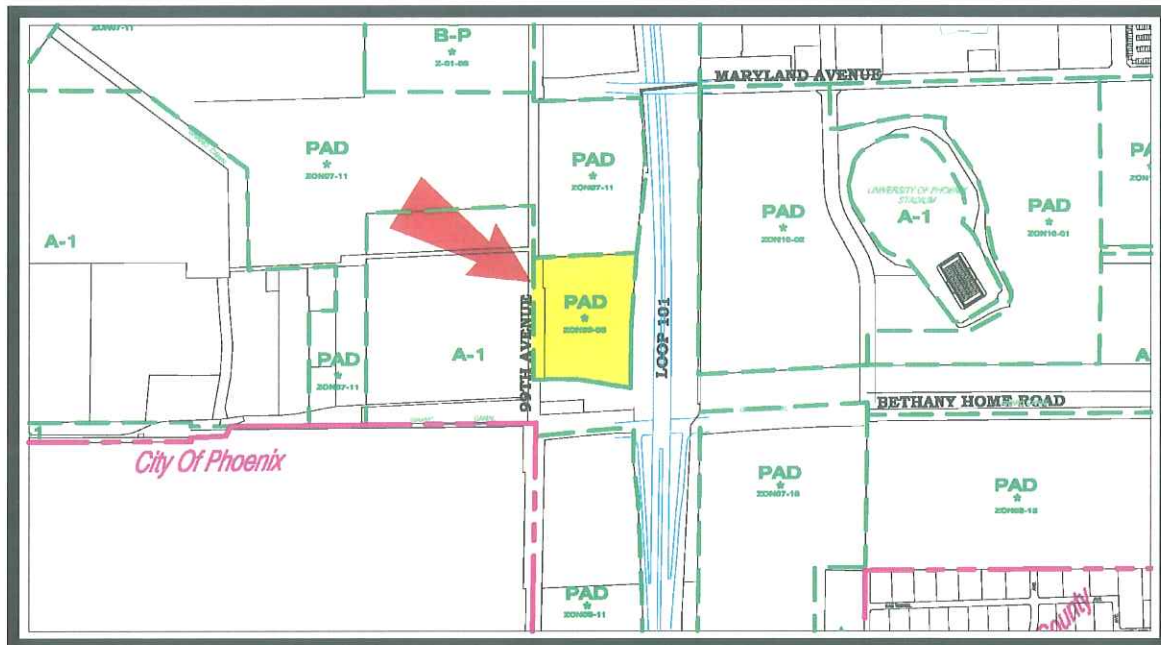
Because a portion the site is developed at this time, the site has utilities and services provided at this point.

Sewer.....	City of Glendale
Water .....	City of Glendale
Electricity .....	Arizona Public Service
Gas .....	Southwest Gas Company
Refuse .....	City of Glendale
Emergency Services .....	City of Glendale

## Exhibit A – Vicinity Map



## Exhibit B – Zoning District Map



**CASE NUMBER**  
**ZON11-01**



**LOCATION**  
**9802 W. BETHANY HOME ROAD**

**REQUEST**  
**PLANNING COMMISSION**  
**INITIATIVE TO AMEND**  
**EXISTING PAD TO ADD**  
**ADDITIONAL LAND USES.**



# CITIZEN PARTICIPATION FINAL REPORT

FOR

PLANNING COMMISSION INITIATED  
REZONING

REZONING APPLICATION: ZON11-01



PREPARED ON: June 10, 2011

PREPARED BY:

Bill Luttrell

Senior Planner

City of Glendale Planning Department

PLANNING DEPARTMENT

SIGNATURE: B. Luttrell

DATE: June 10, 2011

PROJECT #: ZON11-01

## **PROJECT DESCRIPTION**

This is a request by the Planning Commission to amend a previously approved PAD (Planned Area Development) located at 9802 West Bethany Home Road adjacent to the Loop 101 freeway on the north side of Bethany Home Road. The amendment will incorporate additional land uses that create more flexibility in developing the property. These uses will include hotels, entertainment, professional offices and general retail. High density urban residences incorporated into mixed-use building forms are encouraged with the development of this site.

The purpose of the Citizen Participation Report is to provide information regarding the results of the public notification process informing concerned citizens, property owners, registered neighborhoods, homeowner associations, agencies and businesses in the vicinity of the proposed project. This report will ensure that those affected by this application have had adequate time to learn about and comment on the proposed project.

Staff Contact: Bill Luttrell, Senior Planner  
YUCCA District

## **PUBLIC NOTIFICATION AND CITIZEN PARTICIPATION TECHNIQUES**

The following are the public notification and participation techniques.

- A. On May 31, 2011, notification letters were mailed to the property owners within three hundred feet of the site, as well as those listed on the Citywide and Yucca District interested parties list. The letter provided a brief description of the rezoning request and specified a time period for individuals to respond with questions or concerns. The letter is attached as Exhibit A.
- B. Postcards were mailed on June 17, 2011, to the property owners within three hundred feet of the site, as well as those listed on the Citywide and Yucca District interested parties list. The postcard provided a brief description of the rezoning request and specified a time period for individuals to respond with questions or concerns.
- C. Notice of Public Hearing was published in *The Glendale Star* on June 16, 2011.
- D. The property was posted on June 17, 2011.

## **WHAT IS THE AREA OF NOTIFICATION?**

For this rezoning request, notification was to individuals listed on the citywide interested parties lists maintained by the Planning Department. A list of all individuals that were notified is attached as Exhibit B.

## **NUMBER OF PEOPLE WHO PARTICIPATED IN THE PROCESS**

Thirty-two individuals were notified of the proposed rezoning. There were no responses.

# **EXHIBIT A**

## **NOTIFICATION LETTER**





May 31, 2011

**RE: Amendment of an Existing PAD (Planned Area Development) ZON11-01 that incorporates additional land uses**

Dear Interested Party:

The purpose of this letter is to notify you of a proposed Planning Commission initiative to amend an existing PAD (Planned Area Development) located at 9802 West Bethany Home Road (northwest corner of Bethany Home Road and Loop 101 Freeway).

The amendment will incorporate additional land uses that create more flexibility in developing the property. These uses will include hotels, entertainment, professional offices and general retail. High density urban residences incorporated into mixed-use building forms are encouraged with the development of this site.

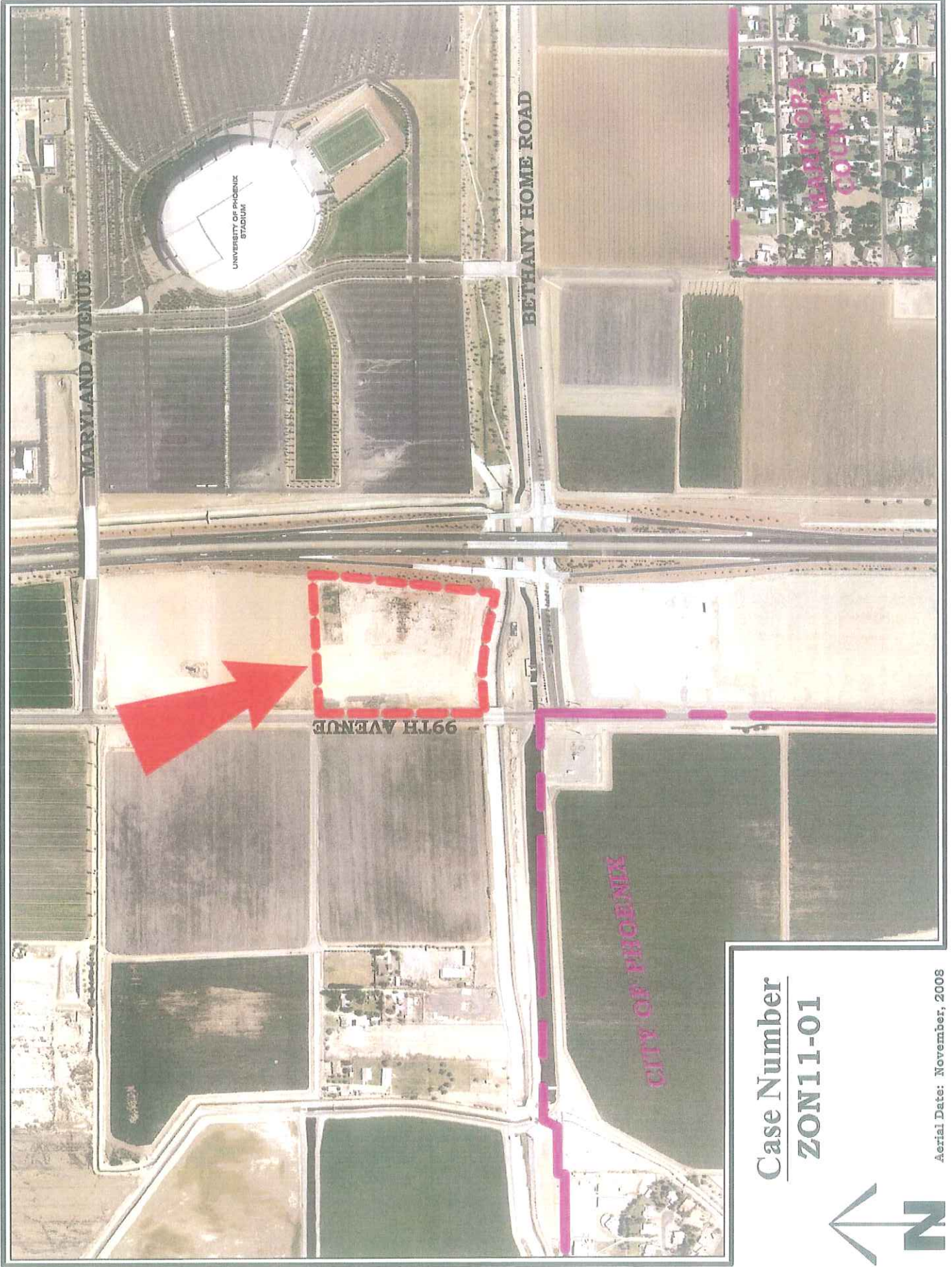
If you have any questions or concerns regarding this request, please contact me directly at (623) 930-2138, via e-mail at [bluttrell@glendaleaz.com](mailto:bluttrell@glendaleaz.com) or submit your comments to me in writing by June 10, 2011. You will also have an opportunity to comment at the public hearing before the Planning Commission and the City Council at a future date. You will receive notice of both of these hearings.

Thank you for your participation.

Sincerely,

Bill Luttrell  
Senior Planner  
Planning Department

cc: Honorable Mayor, Vice Mayor and City Council  
Tabitha Perry, Principal Planner



Case Number  
**ZON11-01**



Aerial Date: November, 2008

## **EXHIBIT B**

# **CITYWIDE AND YUCCA INTERESTED PARTIES LIST**



**INTERESTED PARTIES  
NOTIFICATION LIST FOR  
PROPOSED DEVELOPMENT IN THE  
YUCCA DISTRICT**

MICHAEL SOCACIU  
8574 WEST BERRIDGE LN  
GLENDALE AZ 85305

THE ARIZONA REPUBLIC  
17235 N 75TH AVE A 100  
GLENDALE AZ 85308

KAREN ABORNE  
7318 W GRIFFIN AVE  
GLENDALE AZ 85303

REBECCA ALLEN  
PO BOX 12084  
GLENDALE AZ 85318

DOUG ATTIG  
6066 N 84TH DR  
GLENDALE AZ 85305

A.I. BABINEAU  
4815 W COCHISE DR  
GLENDALE AZ 85302

JOYCE CLARK  
8628 W CAVALIER DR  
GLENDALE AZ 85305

MIKE DEPINTO  
6507 W SHAW BUTTE DR  
GLENDALE AZ 85304-2414

MARY SMITH  
8968 W CITRUS WAY  
GLENDALE AZ 89305

TRISH EDWARDS  
8626 N 53RD AVE  
GLENDALE AZ 85302

TOM TRAW  
6024 N 83RD AVE  
GLENDALE AZ 85303

B GARLAND  
5012 N 64TH DR  
GLENDALE AZ 85301

MARK GARRATT  
7605 N 72ND AVE  
GLENDALE AZ 85303

DEBRA KIST  
5643 W MOUNTAIN VIEW RD  
GLENDALE AZ 85302

JOHN KOLODZIEJ  
6258 N 88TH LN  
GLENDALE AZ 85308

PO BOX  
TERRY LANE  
6103 N 87TH LN  
GLENDALE AZ 85305-2452

KATHLEEN LEWIS  
7456 W AURORA DR  
GLENDALE AZ 85308

RONALD AND KAY LONGCOR  
8022 W MONTEBELLO AVE  
GLENDALE AZ 85303

BILL NORGREN  
8608 W CAVALIER  
GLENDALE AZ 85305

RICHARD SCHWARTZ  
8232 W MONTEBELLO AVE  
GLENDALE AZ 85303

RON PROTHERO  
6316 W KEIM DR  
GLENDALE AZ 85301

MAGI SHRECK  
10673 W RANCHO DR  
GLENDALE AZ 85307

300'

GLENDAL CITY OF  
5850 W GLENDALE AVE  
GLENDAL, AZ 853012599 USA  
Parcel: 102-01-010-M

GLENDAL CITY OF  
5850 W GLENDALE AVE  
GLENDAL, AZ 853012599 USA  
Parcel: 102-01-010-K

S R P A I & P D  
PO BOX 1980  
PHOENIX, AZ 85001 USA  
Parcel: 102-60-006

FRAM DELORES M TR/WASHBURN A V/TRAINOR A/ETAL  
3485 E COUNTRY 13TH ST  
YUMA, AZ 85365 USA  
Parcel: 102-60-013-D

MWP LOAN LLC/GUILLORY DELERY/KATHY/ETAL  
14050 N 83RD AVE STE 180  
PEORIA, AZ 85381 USA  
Parcel: 102-01-012-E

FRAM DELORES M TR/WASHBURN A V/TRAINOR A/ETAL  
3485 E COUNTRY 13TH ST  
YUMA, AZ 85365 USA  
Parcel: 102-60-015-D

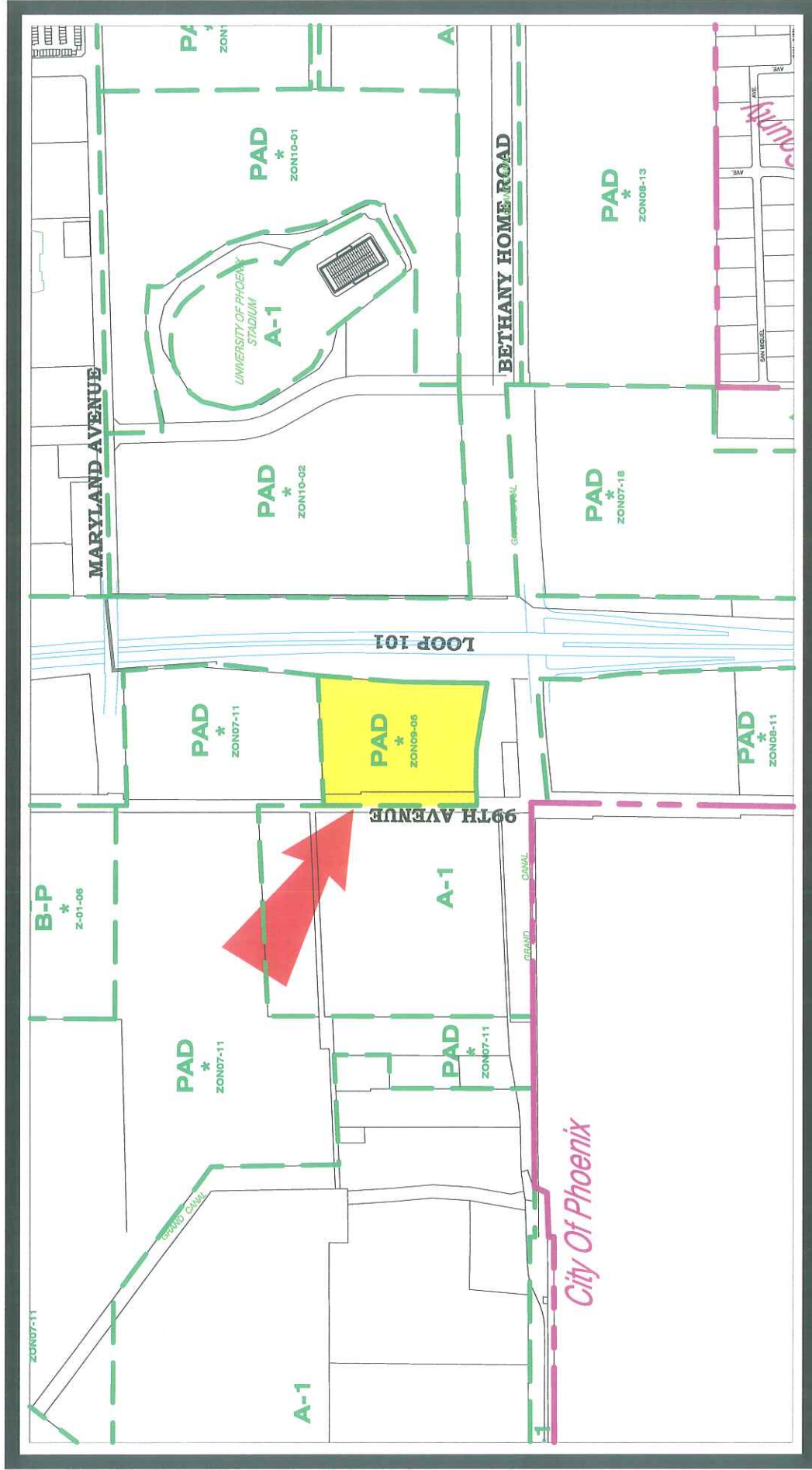
UNITED STATES OF AMERICA  
3707 N 7TH ST  
PHOENIX, AZ 85014 USA  
Parcel: 102-01-010-F

S R P A I & P D  
PO BOX 1980  
PHOENIX, AZ 85001 USA  
Parcel: 102-60-005

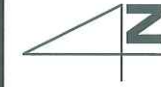
ARIZONA STATE OF DEPARTMENT OF TRANSPORTATION  
205 S 17TH AVE  
PHOENIX, AZ 850073212 USA  
Parcel: 102-14-012-E

ARIZONA STATE DEPT OF TRANSPORTATION  
205 S 17TH AVE STE 612E  
PHOENIX, AZ 85007 USA  
Parcel: 102-01-010-N

300'



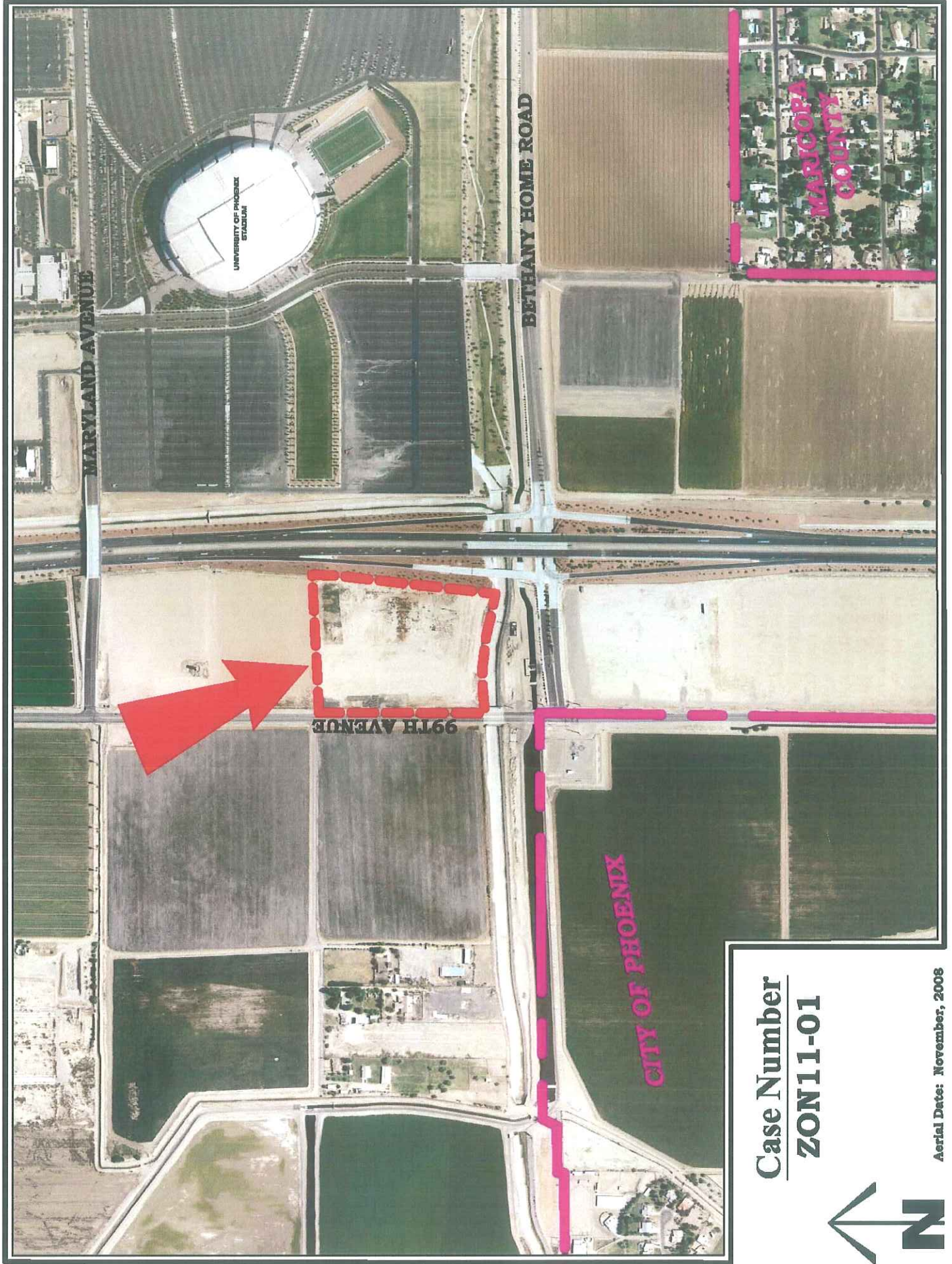
**CASE NUMBER**  
**ZON11-01**



**REQUEST**  
**PLANNING COMMISSION**  
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Case Number  
**ZON11-01**



Aerial Date: November, 2008